

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ANTONIO E. ELIJAH

Petitioner,

-v-

Case No. C-3:07-cv-385

Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington

KELLEH KONTEH, Warden, Toledo
Correctional Institution

Respondent.

ENTRY AND ORDER OVERRULING ELIJAH'S OBJECTIONS (Doc. #16) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #13) IN ITS ENTIRETY; DENYING AND DISMISSING ELIJAH'S PETITION FOR A WRIT OF HABEAS CORPUS WITH PREJUDICE; DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*; DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY; AND TERMINATING THIS CASE

This matter comes before the Court pursuant to pro se Petitioner Antonio E. Eiljah's ("Elijah's") Objections (doc. #16) to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #13). The Report and Recommendations recommends that Elijah's Petition for a Writ of Habeas Corpus be denied and dismissed, that any request to appeal *in forma pauperis* be denied and that any request for a certificate of appealability be denied.

The Report and Recommendations was initially adopted without objections. (Doc. #18.) Elijah then filed objections which were out of time. (Doc. #17.) He next filed a motion for reconsideration which the Court granted and subsequently struck its earlier adoption. Elijah's Objections are considered. Finally, the time has run and the Warden has not responded to Elijah's Objections.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Elijah's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Elijah's Petition for a Writ of Habeas Corpus is denied and dismissed with prejudice. None of his seven (7) Grounds for Relief have merit. Further, Elijah is denied leave to appeal *in forma pauperis* and any requested certificate of appealability. Finally, The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Sixth Day of April, 2011.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Antonio E. Elijah at his last address of record